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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,343	08/09/2006	Ari Kahn	504899.00002	4122
84666	7590	05/05/2011		
Reed Smith LLP P.O. Box 488 Pittsburgh, PA 15230-0488			EXAMINER NGUYEN, PHUNG HOANG JOSEPH	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 05/05/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/562,343	KAHN, ARI	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOSEPH J. NGUYEN	2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's amendment filed 1/14/2011 has been carefully considered and has been entered. Current standing of the claims:

Claims amended: 1- 19.

Claims pending: 1-19 with claim 1 being independent.

### ***Response to Arguments***

On 1/5/2011, applicant's representatives and examiner had an interview (please see the interview sum for detail) wherein at the conclusion of the interview, examiner, in the Spirit and Practice of Compact Prosecution, promised to review/search the amendment and would give a call to the representative of record the findings/assessment if we can move the case forward.

On 4/25/11, examiner made a call to the representative of record to inform the overall action that examiner would take. Examiner also offered the representative an opportunity to call back to discuss if the representative can provide any insight to advance the case. Also on the same day, a receptionist/secretary from the representative of record called indicating that the representative would call back as soon as possible. As of mailing date of this action, examiner has not heard from the representative and thus examiner must issue a Non-final action.

On the remark dated 1/14/11, applicant argues that claim 1 of the current application requires three entities (page 8):

**Claim 1 requires three entities: (i) a caller who requests a call connection to (ii) a call recipient and (iii) a telephony service location remote from the caller and call recipient.**

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**In contrast, Albal teaches only two entities: (i) a communication device and (ii) a communication node, for accessing telephony services. (See, col. 4, lines 54-64 and col. 6, lines 33-44) More specifically, referring to Fig. 1, the Albal reference only teaches a communication connection between a user 20 (or 32) and communication node 16. (See, col. 1, lines 61-67) Thus, there is no teaching in Albal describing the claimed three entity configuration.**

**As discussed with the Examiner, the Office Action inaccurately states that a communication connection is established between the users 20 and 32 via communication node 16.**

While Fig. 1 certainly points out that there are three required entities (subscriber 20, subscriber 32 and communication node 16) to make up for the communication), it is unclearly if the subscribers 20 and 32 make connection. It is quite obvious to the ordinary artisan that the two subscribers would be talking. However examiner would provide new art to explicitly teach the connection between the caller and caller via a remote node and activities occur prior to the communication connection.. Thus the Remark is moot. Please see the rejection below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**3. Claims 1, 4-7 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Infosino (US Pub 2002/0034280 – Previously disclosed).**

Claim 1, Infosino teaches a method of operating a telephony service on a telephony network, the method comprising:

at a telephony service location (Fig. 1, label 130 of network 110) remote from a caller (calling party Bill/user device 100) and a call recipient (called party Ted/user device 120). See also [0018-0020, 0038].

receiving, from the caller, a request for establishing a connection to the call recipient, the request having been initiated by the caller dialing a number associated with the call recipient (As a practical example of the above embodiment, assume that Bill wishes to call Ted using the telephone (user device) 100. Bill picks up the handset of his telephone and dials the telephone number for Ted's telephone (user device) 120. The call is routed by way of LAPs 105 and 115 and switches within the network 110 through the customized service processor 130 to Ted's telephone 120, [0038]; Alternatively, rather than having to wait until a communication connection is established between Bill and Ted before obtaining a voice input message, the customized service processor 130 may obtain a voice input message before attempting to complete the communication connection, [0039]);\_via a network device during a call process (The call is routed by way of LAPs 105 and 115 and switches within the network 110 through the customized service processor 130, [0038]), wherein the call process includes at least one of a group consisting of a call dial phase (Bill picks up the handset of his telephone and dials the telephone number for Ted's telephone (user device) 120, [0038]), a call set up phase (setting user communication parameters for a voice communication between a calling party and a called party, Abstract, [0029]; the communication parameters may be established before the attempt is made to complete the

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**communication connection to Ted, [0039]]**, a logical association phase, and a call connect phase;

receiving a command signal during a call connect process, the call connect process including at least one of a group consisting of a call dial phase (**Bill picks up the handset of his telephone and dials the telephone number for Ted's telephone (user device) 120, [0029, 0038]**), a call set-up phase (**setting user communication parameters for a voice communication between a calling party and a called party, Abstract, [0029]**; the communication parameters may be established before the attempt is made to complete the communication connection to Ted, [0039])), a logical association phase, and a call connect phase; and

in response to receiving the command signal, initiating a service other than a standard call connection transaction, wherein the command signal is received from a communication device of either the caller or call recipient (**The customized service processor 130 has access to at least one user profile database 135 that stores information pertaining to the preferred communication settings of registered users, [0019] to extract the voice pattern feature, [0024] for setting other services, such as calling waiting, call block, monthly billing statement, limit on the communication time, [0025]**).

Claim 4, Infosino teaches transmitting a prompt indicating a request to provide the command signal (**the voice recognition device 230 determines if the extracted voice pattern features match any of the voice pattern features retrieved from the database 135, [0036]**).

Claims 5 and 6, Infosino teaches the service is automatically initiated in response to at least one criteria; and at least one criteria is an attribute associated with the caller or call recipient **(the registration of the users requires that the user provide a sample voice pattern, having sample voice pattern features, and preferred communication settings. The sample voice pattern features and the preferred communication settings are used to set communication parameters when the user uses the user device, [0005]; If a match is found within a predetermined tolerance, the voice identification device 230 provides the identity of the match to the controller 200. The controller 200 then retrieves the communication settings associated with the user identified by the voice identification device 230 and issues command signals to set the communication parameters in accordance with the user's communication settings, [0031, 0043]).**

Claim 7, Infosino teaches the command signal is initiated by the caller prior to the call connect phase **(assume that Bill wishes to call Ted using the telephone (user device) 100. Bill picks up the handset of his telephone and dials the telephone number for Ted's telephone (user device) 120. The call is routed by way of LAPs 105 and 115 and switches within the network 110 through the customized service processor 130 to Ted's telephone 120, [0038]).**

Claim 14, Infosino teaches the command signal is received from a telephone, and wherein the telephone, upon activation of a biometric trigger, transmits the command signal **(voice pattern, [0021, 0024, 0028]).**

Claim 15, Infosino teaches the command signal comprises an audio tone transmitted from a mobile telephone (**audio receiver of a mobile device, [0006]**).

Claim 16, Infosino teaches automatically associating a function indicated by the command signal with the caller as identified by a telephone number of the caller (**The voice input message also includes a header that contains an identifier that identifies the user device 100. The identifier may be, for example, the telephone number, IP address, mobile identification number, and the like, of the user device 100, [0023]**).

Claim 17, Infosino teaches the telephone number of the caller is derived from a caller line identity (CLI) (**The identifier is the telephone number, [0006]**).

Claim 18, Infosino teaches automatically associating the transaction service with the command signal based on the call recipient (**other services, such as call waiting, call block, monthly billing request, [0025]**).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C.103 (a) as being unpatentable over Infosino in view of Wieczorek (EP 1 271 911).**



Claim 2, Infosino does not... but Wieczorek teach method of operating a telephony service wherein the received command signal overrides a conventional billing protocol of the telephony network supporting the telephony service (the system being of the type in which calls are normally billed to calling party. Now before the establishment of the call, called party is presented the charging option where by the called opts to pay for some or all cost, par. 0009).

Therefore it would have been obvious to the ordinary artisan to incorporate the teaching of Wieczorek into the teaching of Infosino to clearly provide the option for either or both calling and called parties an opportunity to pay for some or all the cost of the telephone transaction. This option would overcome the conventional billing protocol that has been practiced in the past.

**Claim 8 is rejected under 35 U.S.C.103 (a) as being unpatentable over Infosino in view of Parsons et al (US Pub 2002/0085701).**

Infosino teaches operating a telephony service but does not teach the command signal is appended to a dialed telephone number.

Parsons teaches the feature of appending a message to a dialed number as Parsons discusses *“the IVR may be further configured to allow certain or all of these messages to be appended with numeric information (since callers almost universally will be able to enter numbers via a phone keypad). For example, the “call me” message can be appended with the caller’s phone number. The IVR 214 provides the messaging application 210 with the caller’s message selection and any appended message*

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*information, [0102]" to provide unified communications and messaging management based on a user's presence information, (Abstract)".*

Therefore it would have been obvious to the ordinary skilled artisan at the time of the invention was made to incorporate the teaching of Parsons into the teaching of Infosino for the purpose of enhancing the telephone service by not just sending the telephone number for connection but also unifying the telephone number and the appended signal or code of service (e.g., billing, charging, banking, restaurant...) as one to the recipient.

**Claims 3, 9-13 and 19 are rejected under 35 U.S.C.103 (a) as being unpatentable over Infosino in view of Guibourge (US Pub 2004/0119755).**

As to claims 9-13 and 19, Infosino teaches operating a telephony service wherein initiating the caller and call recipient comprises initiating a transmission of a data signal, teaches the command signal is received from a telephone, and wherein the telephone, transmits the command signal

Infosino does not teach:

Dedicated key on a keyboard of a communication device;

a plurality of keys associated with a plurality of transactions, wherein each of the plurality of keys is associated with a single transaction from among the plurality of transactions;

wherein the plurality of keys comprise at least one of a "\*" key associated with telephony and billing functions, a "0" key associated with interactive network operator

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and information services access, and a "#" key associated with commercial banking transactions between the caller and the call recipient;

the dedicated key is selected from a group comprising a "@" symbol, a color coded key, a programmable key, a menu item, and a button; and

the command signal is transmitted from the telephone equipment of the caller by operation of one individual key on said telephone equipment.

Guibourge teaches "quick dialing methods and systems for use with communications devices are described. Such communications devices are often characterized by a limited keypad to enter and access contact numbers. The described quick dialing technique reduces the number of keys used to dial a number, and thus a device using the technique may be operated blindly or with one hand, par. 0005).

Furthermore, Guibourge teaches attributes such as colors, sounds, text fonts, graphics (i.e., pictures, icons, photos, images, animations, and bitmaps), and sorting methods are optionally assigned to lists and to the contacts within each list. When a contact is selected or dialed by actuating a key, for example, color and sound attributes associated with the list containing the contact are displayed, thereby providing visual and non-visual cues that correct keys have been actuated.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to incorporate the teachings of Guibourge into Infosino for the purpose of providing the greater service to the subscriber who can program their phone and assign a specific function or service for different key on the pad. Few examples are listed as banking, movie, school, library, restaurant, friend or family and

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many more. It is also leave the choices to the subscriber to assign any specific key to his or her choice of service. If one would want to associate the "#" key with commercial banking transactions, it would be his/her choice. If one would want to color-coded or (illumination) light-code, it would also be his/her choice. Even from the development perspective, it would also be obvious to practice that it is an engineering design to assign a specific key of choice to specific function or service for the most convenience. (Examiner's point of clarification: It is well-known in the art that key "0" was reserved for the network operator and information services access. However, with the big leap of telephonic advancement with so many pioneering developments in this filed, greater demands for better and quick service came along, key "0" is now reserved for interacting with the network operator while "411" is assigned to the information services access. Similar in practice, "911" is for emergency).

### ***INQUIRY***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOSEPH J NGUYEN/  
Examiner, Art Unit 2614